

**In re: Baycol Products Litigation
MDL No. 1431**

**Special Master PTO 78
Assessment Decision No. 30
Legare, Stinson, and
Vanderford Decisions**

A joint Request pursuant to Pretrial Order No.78 was submitted by Robert Legare, Lucy Rosa Stinson, and John Vanderford challenging the MDL 6% holdback. K. Stephen Jackson represents the individuals. Leanne DeShong submitted a response on behalf of Bayer; and Ron Goldser submitted a response on behalf of the Plaintiffs' Steering Committee. Subsequently, the parties submitted additional information and affidavits.

Case Summary

Each individual settled claims with Bayer. No individual filed a lawsuit in state or federal court. The law firm of Jackson & Shuttlesworth was a listed member of the Baycol Plaintiffs Steering Committee at the time the clients retained this law firm. K. Stephen Jackson subsequently resigned from the PSC on July 31, 2003. Settlements for each of the claimants were reached with Bayer after July 31, 2003.

Decision

Holdbacks are to be reserved if this Court has jurisdiction and one of the factors set forth in Pretrial Order No. 53 exists. Paragraph 2(e) of PTO 53 states that a holdback applies to: "all cases of Plaintiffs lawyers and their law firms who are a member of the PSC or a member of a committee of the PSC (other than LAC)." At the time the claimants retained his law firm, K. Stephen Jackson was a specifically named member of a subcommittee of the PSC. It is not necessary to establish or disprove any active or inactive involvement with the PSC. The resignation effort by Mr. Jackson, after he began representation of the claimants and before the settlements were finalized, is insufficient to deny the holdback.

Accordingly, the Joint Request by the above named individuals is presently denied. All the individuals or any individual may seek a refund of their respective holdback or any portion of it at a later time when this Court determines the distribution of the holdback contributions.

February 23, 2004

/s/ Roger S. Haydock
Special Master